

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

ERIC WOMACK
Assistant Director
Federal Programs Branch

MATTHEW J.B. LAWRENCE
Trial Attorney
United States Department of Justice
Federal Programs Branch
20 Massachusetts Ave., NW
Washington, DC 20001
Telephone: (202) 616-8105
Facsimile: (202) 616-8202
Email: Matthew.Lawrence@usdoj.gov

Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITY PEOPLE, INC.,

Plaintiff,

v.

MICHELLE K. LEE, in her capacity as
Director of the United States Patent and
Trademark Office, the UNITED STATES
PATENT AND TRADEMARK OFFICE, and
OJMAR US, LLC,

Defendants.

No. 3:15-cv-03172-HSG

JOINT MOTION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE

JOINT MOTION

Pursuant to Civil Local Rules 16-2(d) and 7-11, Plaintiff Security People, Inc., Defendants Michelle K. Lee and the United States Patent and Trademark Office, both sued in their official capacity (“federal Defendants”), and Defendant Ojmar US, LLC, through their respective undersigned counsel, respectfully move the Court to continue the initial case management conference, currently scheduled for November 17, 2015, and corresponding Case Management Deadlines until after the Court has decided Defendants’ motions to dismiss, which

are scheduled for a hearing November 19, 2015. In support of this Joint Motion, the parties stipulate and agree as follows.

1. The initial case management conference in this case was originally set for October 14, 2015. On September 24, 2015, Judge Tigar granted the parties' joint motion to continue the case management conference until after resolution of the Defendants' motions to dismiss, then noticed for hearings on October 22, 2015, and continued the case management conference until November 18, 2015.¹ ECF No. 25.

2. On October 2, 2015, the Court granted the federal Defendants' related case motion, ECF No. 34, and the Case Management Conference was rescheduled for November 17, 2015.

3. On October 9, 2015, the Defendants re-noticed their motions to dismiss for a hearing on November 19, 2015.

4. Because the Court's ruling on Defendants' respective motions to dismiss will inform and impact the case management issues, the parties believe it will be more efficient to hold the initial case management conference once Defendants' motions to dismiss have been resolved. Doing so will preserve the resources of the parties and the Court, and save the Government the expense of providing accommodations for Washington, D.C. counsel in San Francisco, California for the November 17, 2015 conference.

5. Pursuant to Civil Local Rule 16-2(d)(3)-(4), the parties have agreed to, and request that the Court approve, the below proposed case management schedule:

¹ Judge Tigar also ordered the parties to comply with the Court's ADR requirements by October 1, 2015, or show cause why they should not be sanctioned for having missed the Court-ordered ADR deadline of September 16, 2015. ECF No. 25. The parties met and conferred about an appropriate ADR mechanism and then complied with the Order by filing their respective ADR certifications and joint Notice of Need for ADR Phone Conference on September 28, 2015, and September 29, 2015. *See* ECF Nos. 26, 27, 29, 30, 31.

- **Two weeks after Court's Order on Motion to Dismiss:** Deadline to meet and confer pursuant to Fed. R. Civ. P. 26(f).
- **Four weeks after Court's Order on Motion to Dismiss:** Deadline to file Rule 26(f) Report and Joint Case Management Statement.
- **Five weeks after Court's Order on Motion to Dismiss:** Initial Case Management Conference.

DATED: October 16, 2015

Respectfully submitted,

/s/ Frear Stephen Schmid

Frear Stephen Schmid, CSB No. 96089
Attorney at Law
177 Post Street, Suite 550
San Francisco, CA 94108
Telephone: (415) 788-5957
Facsimile: (415) 788-5958

Attorney for Plaintiff, Security People, Inc.

/s/ Roderick M. Thompson

Roderick M. Thompson (State Bar No. 96192)
rthompson@fbm.com
Daniel C. Callaway (State Bar No. 262675)
dcallaway@fbm.com
Farella Braun + Martel LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480

Attorneys for Defendant, Ojmar US, LLC

BENJAMIN C. MIZER

Principal Deputy Assistant Attorney General

ERIC WOMACK

Assistant Director
Federal Programs Branch

/s/ Matthew J.B. Lawrence

MATTHEW J.B. LAWRENCE

Trial Attorney

United States Department of Justice, Civil Division
Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530

(202) 616-8105
(202) 616-8202 (fax)
Matthew.Lawrence@usdoj.gov

Attorneys for Federal Defendants

ATTESTATION

Pursuant to Local Rule 5-l(i)(3), I attest that I am the ECF user whose user ID and password are being used in the electronic filing of this document, and further attest that I have obtained concurrence in the filing of the document from the other signatories.

/s/ Matthew J.B. Lawrence
MATTHEW J.B. LAWRENCE


~~PROPOSED~~ ORDER

Upon stipulation of the parties, and good cause appearing, the Court hereby orders the following revisions to the case management schedule:

1. **Two weeks after Court's Order on Motion to Dismiss:** Deadline for the parties to (a) meet and confer pursuant to Fed. R. Civ. P. 26(f) and ADR L.R. 3-5; (b) file ADR Certifications; and (c) file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference.
2. **Four weeks after Court's Order on Motion to Dismiss:** Deadline for the parties to file Rule 26(f) Report and Joint Case Management Statement.
3. **Five weeks after Court's Order on Motion to Dismiss:** Initial Case Management Conference.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/19/2015


Hon. Haywood S. Gilliam, Jr.
United States District Court Judge